

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LYLE ENTERPRIZES, INC. d/b/a
LARRY'S FOODLAND, a Michigan
corporation,

Plaintiff,

Case No. 04-75099

Honorable Patrick J. Duggan

v.

AXA RE PROPERTY AND CASUALTY
INSURANCE COMPANY,

Defendant.

JUDGMENT

This action arose after the Defendant, AXA Re Property and Casualty Insurance Company ("AXA"), denied Plaintiff's claim of loss following the mass blackout that occurred on August 14, 2003. Plaintiff filed suit against Defendant AXA in the Wayne County Circuit Court bringing claims for: (I) declaratory relief pursuant to MCR 2.605; and (II) breach of contract. Defendant removed this case to this Court on the basis of diversity jurisdiction. The following motions are before the Court: (1) Defendant's Motion for Summary Judgment; and (2) Plaintiff's Motion for Declaratory Relief and for Summary Judgment. The Court held a hearing on this motion on October 27, 2005.

For the reasons set forth in an Opinion issued this date,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendant AXA Re Property and Casualty Insurance Company's Motion for Summary Judgment is

GRANTED and Plaintiff's Complaint is **DISMISSED**.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Plaintiff Lyle Enterprizes, Inc.'s Motion for Declaratory Relief and for Summary Judgment is **DENIED**.

s/PATRICK J. DUGGAN
UNITED STATES DISTRICT JUDGE

DATE: November 18, 2005

Copies to:
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